IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 547 OF 2006

Mr. Rajaram Ramdular Sharma.] .. Petitioner

Versus

1. Mumbai Corporation of Greater Bombay and anr.] .. Respondents

Mr. L.S. Shukla for the petitioner.

Ms. T.H. Puranik for the respondents.

CORAM: F.I. REBELLO & ANOOP V. MOHTA, JJ.

DATED: 22ND MARCH, 2006

P.C. :

. The petitioner had permitted respondent No.2 to occupy the land. It is his grievance that respondent No.2 had put up illegal construction. The Corporation had earlier taken steps and demolished the construction. The petitioner has filed a suit against respondent No.2.

2. It appears that every private owner believes that he has no duty to protect his property and the only authority which has to look after his property is the respondent No.1-Corporation. At the highest, the Corporation can act against illegal construction. That

does not mean that there is no duty cast on the owner to protect his property specially from a person whom he has put in occupation. The Corporation has done its duty. It was for the petitioner to have sought an injunction against the respondent No.2 from putting up any further construction. A suit has already been filed against respondent No.2 by the petitioner. It will be open to the petitioner to carry out such amendments and pray for such further reliefs in that suit.

3. Considering the above, this would not be a fit case for this Court to exercise its extra ordinary jurisdiction. Petition dismissed.

Sd/-
[F.I. REBELLO, J.]

Sd/-
[ANOOP V. MOHTA, J.]